

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. Keyes' motion to vacate (Docket No. 384) is **DENIED** and Keyes' motion is **CONSTRUED** as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C. § 2255;
 2. The clerk is **DIRECTED** to re-docket the motion (Docket No. 384) as a § 2255 motion;
 3. The § 2255 motion is hereby **DENIED** without prejudice as successive and stricken from the active docket; and
 4. A certificate of appealability is **DENIED**, based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right.

ENTER: This 3rd day of October, 2013.

Norman K. Moon
NORMAN K. MOON
UNITED STATES DISTRICT JUDGE